

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION FILE NO. 5:22-cv-00103-GCM

OLIVIA KAPLAN,)
Plaintiff,)
)
vs.) ORDER
)
COMMISSIONER OF SOCIAL)
SECURITY,)
Defendant.)

THIS MATTER HAVING COME BEFORE THE COURT on plaintiff's motion for Attorney's fees under 28 U.S.C.A. § 2412, the Equal Access to Justice Act, by consent of the parties, the Court orders as follows:

1. That the Social Security Administration shall pay \$7,000.00 in attorney fees to the plaintiff in full settlement and satisfaction of any and all claims for attorney fees for legal services rendered under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).
2. With respect to Plaintiff's signed assignment of EAJA fees to her attorney, in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first and, if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel, to wit: Samuel F. Furgiuele, Jr., Attorney at Law, PO Box 386, Boone, NC 28607. If the Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel.

3. That pursuant to 28 U.S.C. § 2412(a)(1), Plaintiff shall be paid \$402.00 in costs from the Judgment Fund by the United States Department of the Treasury in reimbursement for the filing fee which she paid.

Signed: May 11, 2023

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

